IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WA.No. 823 of 2003()

AGAINST THE JUDGEMENT/ORDER IN OP.34366/2002 Dated 11/03/2003
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APPELLANT: PETITIONER IN OP.

M.K.SASEENDRAN, S/O.LATE
C.K.KUNJAN PILLAI, AGED 46 YEARS,
RAGAM, MOOZHIKKARA PO., TELLICHERRY 670111.

BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.VINITHA PRASANNAN
SMT.RAGAM.K.P.

RESPONDENTS: RESPONDENTS IN OP.
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1. M/S.DREDGING CORPORATION OF INDIA LTD.,
(REPRESENTED BY ITS CHAIRMAN-CUM-MANAGING DIRECTOR
DREDGE HOUSE, PORT AREA, VISAKHAPATNAM - 530 035.

2. THE PROJECT-IN-CHARGE,
DREDGING CORPORATION OF INDIA LTD.,
39/3909, ALAPPAT ROAD, RAVIPURAM,
COCHIN - 16.

BY ADV. SRI.P.K.RAMKUMAR, ADDL.CGSC
SRI.S.KRISHNAMOORTHY, ADDL.CGSC

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO.823/2003

ORDER IN IA 27 OF 2003 IN WA NO.823 OF 2003

DISMISSED

18/6/2007 **SD/-K.S.RADHAKRISHNAN, JUDGE.**

SD/-ANTONY DOMINIC, JUDGE.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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W.A. NO. 823 OF 2003

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Dated this the 18th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

Original petition was preferred by the appellant herein seeking a writ of mandamus directing the first respondent to pay arrears of Conveyance Reimbursement, Canteen Subsidy and Children Education Allowance of the period from 1.2.1998 to 30.11.2000 i.e. the period the petitioner was in service of the first respondent and to declare para 17.2 of Ext.P3 as against the provisions of Constitution of India. Learned Single Judge find no reason to grant the relief as prayed after taking note of the fact that the issue has been already settled vide Exhibit RIV settlement. The settlement binds all the workmen including the petitioner in terms of Section 2(p) of the Industrial Disputes Act and Section 18(2) of the Industrial Disputes Act, irrespective of the fact that whether their union is a party to the settlement or whether they are members of the union which entered into the settlement. There is a specific clause 4.4 of Ext.RIV saying that

employees who took voluntary retirement/resigned between 1.2.98 and 28.10.2001 will not be eligible for allowances like Conveyance Reimbursement/Transport Subsidy, Canteen Subsidy, Children Education Allowance, Washing allowance, Lunch Allowance to Drivers etc. Petitioner is therefore not eligible for such allowances. Learned Single Judge therefore rightly dismissed the original petition. Appeal lacks merits. Dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp